IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

GREG ADKISSON, et al.)
Plaintiffs,)
v.)
JACOBS ENGINEERING GROUP, INC.,) Docket No. 3:13-cv-00505) Judge Thomas A. Varlan
Defendant.) Magistrate Judge H. Bruce Guyton)
)

<u>DEFENDANT JACOBS ENGINEERING GROUP, INC.'S</u> <u>MOTION TO DISMISS PURSUANT</u> TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)

COMES NOW, Defendant Jacobs Engineering Group, Inc. ("Jacobs"), by and through its undersigned counsel, and moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(1), to dismiss Plaintiffs Greg Adkisson et al.'s ("Plaintiffs") Complaint ("Complaint") [Doc. 1] on the grounds that the Court lacks subject matter jurisdiction.

Because Jacobs' advice to the Tennessee Valley Authority ("TVA") and the scope of its services to TVA falls within the scope of those subjects which this Court in *Mays v. TVA*, 699 F. Supp. 2d 991 (E.D. Tenn. 2010) and *Chesney v. TVA*, 782 F.Supp.2d 570 (E.D. Tenn. 2011) has previously determined TVA is entitled to discretionary function immunity, namely TVA's decisions concerning or relating to remediation, removal and clean-up of the coal ash spill which occurred on December 22, 2008 at TVA's Kingston Fossil Fuel Plant (the "KIF plant") in Roane County, Tennessee, Jacobs, like the consulting engineering defendants in *Chesney* is entitled to share in that immunity and moves to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1). In support of this motion, Jacobs relies upon its memorandum of law and exhibits

attached thereto which are filed contemporaneously herewith and which are incorporated herein by reference, and those portions of the record identified in that memorandum.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded if registered, via the Court's electronic filing system, or, if not registered, sent via regular Unites States Mail, postage prepaid to the following:

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this 12th day of November, 2013.

/s/ S. Joseph Welborn